

Gwendolyn Massenburg
01/31/2001 03:15 PM

To: Larry Johnson, DONALD BRUCE, Wendy Carney, DOUGLAS BALLOTTI
Subject: Himco Dump

Hello Everyone,

We all have a copy of the proposal from the Bayer Corp. for Himco Dump remedial action. The purpose of this note is to attempt to schedule a briefing with you all, before we go to the State and back to the PRPs.

The dates that I have available are the following:

Feb. 14, 2001 all day;

Feb. 15, 2001@ 3:00 pm;

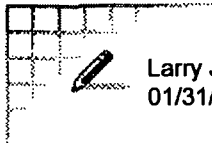
Feb. 20, 2001 anytime after 2:30pm

Feb, 21&22, 2001 all day.

My preference would be Feb. 14, 2001@ 3:00pm. Would you please reply back with a date that does not conflict with your schedule.

Thanks

Gwen



Larry Johnson
01/31/2001 04:21 PM

To: Gwendolyn Massenburg cc: DONALD BRUCE, Wendy Carney, DOUGLAS BALLOTTI
Subject: Re: Himco Dump: Attorney-Client privileged.

The sooner the better. I would prefer the 14th, and may not be available on the 20th.

However, I wonder if we need a major briefing just yet. This is an initial offer, one not really much different than what they've offered before. Do we need a major briefing now, or should we first commence negotiations in order to flesh out their "bottom line(s)?" They are obviously still willing to negotiate, even though we told them we couldn't cash them out for less than \$10 or 12 million, plus the water extension, etc. It seems to me that we merely need to decide which approach to pursue first (not ruling out the others): a) cashout (\$ 7-9 million?) with residential water/gas migration work, or b) a contingency with water/gas work, or c) a combination of both a and b, along the lines of a soil cover, water/gas work, and a contingency. Gwen and I can determine the state's preference.

My recommendations: Counter-offer option "c" (assuming the State will agree) and if that's unsuccessful, at least preliminarily explore "a and b" for Bayer's bottom line, and then decide which, if any, way to go.